

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

THOMAS L. TAYLOR, III, solely in	§	
his capacity as Court-appointed	§	
Receiver for Kaleta Capital	§	
Management, Inc., <i>et. al.</i> ,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-15-0272
	§	(Receivership Action)
DAVID G. WALLACE, <i>et al.</i> ,	§	
Defendants.	§	

**FINAL DEFAULT JUDGMENT AGAINST DEFENDANT LAFFER
FRISHBERG WALLACE ECONOMIC OPPORTUNITY FUND, L.P. d/b/a
LFW ECONOMIC OPPORTUNITY FUND**

This case is before the Court on Plaintiff and Court-Appointed Receiver Thomas L. Taylor, III's (the "Receiver")¹ Motion for Entry of Default Judgments Against Defendants Laffer Frishberg Wallace Economic Opportunity Fund, L.P. ("LFW Fund") and West Houston WB Realty Fund, L.P. ("West Houston Fund") [Doc. # 19]. Both Defendants have failed to appear in this case, to answer the Receiver's Complaint [Doc. # 1], or otherwise to defend themselves in this civil action. Pursuant to the Receiver's request [Doc. # 12], the Court entered an Order for

¹ Taylor was appointed as receiver for Kaleta Capital Management, Inc., BusinessRadio Network, LP, Daniel Frishberg Financial Services, Inc. and any entities they own or control by Order of this Court in the related action styled *Securities and Exchange Commission v. Albert Fase Kaleta, et al.*, Civil Action No. 4:09-cv-03674 (the "Enforcement Action") [Enforcement Action Doc. # 7, as modified by Doc. # 34].

Clerk's Entry of Default against LFW Fund and West Houston Fund [Doc. # 17].

Today, West Houston Fund filed for bankruptcy protection. Bankruptcy Case No. 4:15-bk-31773. Due to the Bankruptcy Code automatic stay, 11 U.S.C. § 362, no relief against West Houston Fund may be granted at this stage.

At this time, the Receiver seeks judgment against Defendant LFW Fund in the amount of \$275,000.00 in principal, plus \$264,467.37 in accrued interest through the date of the motion, plus \$122.74 per day from the date of the motion until the date of entry of this Final Default Judgment. The Receiver's motion was properly served on LFW Fund on March 17, 2015. No response has been filed. Having considered all matters of record, the arguments of counsel, and the applicable legal authorities, it is hereby

ORDERED, ADJUDGED, and DECREED that the Receiver's motion [Doc. # 19] is **GRANTED** with respect to Defendant LFW Fund, and **DENIED without prejudice** regarding West Houston Fund. It is further

ORDERED, ADJUDGED, and DECREED that judgment is hereby rendered in favor of the Receiver and against Defendant LFW Fund in the amount of \$541,431.21 (the "Judgment Amount"), consisting of \$275,000.00 in principal, plus \$266,431.21 in accrued interest through the date of this Final Default Judgment. It is further


ORDERED, ADJUDGED, and DECREED that post-judgment interest shall

accrue at the rate of 0.26% per annum, in accordance with 28 U.S.C. § 1961, from the date of entry of this Final Default Judgment until the Judgment Amount and accrued interest are paid in full by Defendant LFW Fund to the Receiver. It is further

ORDERED, ADJUDGED, and DECREED that the Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Default Judgment.

There being no just reason for delay in the entry of this Final Default Judgment, the Court hereby directs the clerk to enter judgment as to Defendant LFW Fund pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

SIGNED at Houston, Texas, this 2nd day of **April, 2015**.



Nancy F. Atlas
United States District Judge